

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 13 APR 2006

WIPO

PCT

Applicant's or agent's file reference PHJM0681-006	FOR FURTHER ACTION	See Form PCT/IPEA/416																								
International application No. PCT/US04/43986	International filing date (day/month/year) 30 December 2004 (30.12.2004)	Priority date (day/month/year) 05 January 2004 (05.01.2004)																								
International Patent Classification (IPC) or national classification and IPC IPC: E04H 15/36(2006.01) USPC: 135/126,128,135,156																										
Applicant PRICE, R. JUSTIN																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																										
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																								
<input type="checkbox"/>	Box No. II	Priority																								
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																								
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																								
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																								
<input type="checkbox"/>	Box No. VI	Certain documents cited																								
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																								
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																								
Date of submission of the demand 04 November 2005 (04.11.2005)	Date of completion of this report 07 March 2006 (07.03.2006)																									
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Winnie Yip Telephone No. 571-272-3600																									

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/43986

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☐ the international application in the language in which it was filed.
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ the international application as originally filed/furnished
- ☒ the description:
 pages 1-20 as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____
- ☒ the claims:
 pages 21-23, 25-27 as originally filed/furnished
 pages* NONE as amended (together with any statement) under Article 19
 pages* 24, 28-31 received by this Authority on 27 December 2005 (27.12.2005)
 pages* NONE received by this Authority on _____
- ☒ the drawings:
 pages 1-26 as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/figs NONE
- ☒ the sequence listing (*specify*): NONE
- ☒ any table(s) related to the sequence listing (*specify*): NONE

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "dispersed."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/43986

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>9</u>	YES
	Claims <u>1-8, 10-30</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-30</u>	NO
Industrial Applicability (IA)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Please See Continuation Sheet

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V. 2. Citations and Explanations:

1. Claims 1-5, 7-8, 11-13, 15-16 and 29 lack novelty under PCT Article 33(2) as being anticipated by Lee (US Patent No. 5,628,336).

Lee teaches a fast-erecting portable structure (see Fig. 2) comprising: a first and second flexible framing rods (3) each having an inverted U-shape with two ends (9) being non-removably connected to joint rings (5) to define a base of the portable structure, the first and second flexible framing rods (1) crossing each other near an apex of the inverted U-shape, a third and a fourth flexible framing rods (3) crossing the first and second flexible framing rods respectively near but offset from the apex of the inverted u-shape which the first and second flexible framing rods being crossed, and a non-divisible flexible skin slidably connected to the middles of the flexible framing rods by sleeves (1) which are sewn into the flexible skin.

2. Claims 1-5, 7-8, 10-15, 17-18 and 21-30 lack novelty under PCT Article 33(2) as being anticipated by Griffin (PCT No. WO 96/18789).

Griffin teaches a fast-erecting portable structure comprising: a first, second, and third flexible framing rods (12) each being made of fiberglass reinforced plastics and having inverted U-shape configuration, wherein the first and second flexible framing rods (12) cross each other near an apex of the inverted U-shape, the first and second flexible framing rods (12) having two ends (36) being non-removably connected to joint rings (40) to define a base of the portable structure, and the third flexible framing rod cross the first and second flexible framing rods respectively near the apex of the inverted u-shape, each of the rods are no-jointed, and a flexible skin (11) slidably connected to the middles of the flexible framing rods by sleeves (13) which are sewn into the flexible skin, and a storage bag (26) having a front and back sheets having circular perimeters being connected together to define an interior pocket and opened and closed by a flap (30), the flexible frame rods and the flexible skin being coiled and stowed inside of the storage bag.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/43986

Supplemental Box

3. Claims 1-2, 7-8, 10-16 and 29-30 lack novelty under PCT Article 33(2) as being anticipated by Kramer et al. (US Patent No. 5,901,727).

Kramer et al. teaches a fast-erecting portable structure (see Fig. 7 and Fig. 15) comprising: a first and second flexible framing rods (52, 54 or 68, 72) each having an inverted U-shape and crossing each other near an apex of the inverted U-shape, a third and a fourth flexible framing rods (50, 56 or 70, 74) crossing the first and second flexible framing rods respectively near but offset from the apex of the inverted u-shape which the first and second flexible framing rods being crossed, each of the rods are no-jointed, and a flexible skin (10) slidably connected to the middles of the flexible framing rods by a plurality of framing rod hooks (16), the flexible skin being connected to at least one flexible framing rod new the intersection of the frame rods by a flexible tie, and the two ends of the flexible framing rods being non-removably connected to the flexible skin and to act as a base of the portable structure.

4. Claims 1-6, 29 and 30 lack novelty under PCT Article 33(2) as being anticipated by Jennings (US Patent NO. 6,397,869).

The Jennings teaches a fast-erecting portable structure comprising: a first and a second flexible framing rods (12) each being made of fiberglass and having inverted U-shape configuration with two ends being supported on footers (10) to define a base of the portable structure, wherein the first and second flexible framing rods (12) cross each other near an apex of the inverted u-shape, each of the rods are no-jointed, a flexible skin (14) slidably connected to the middles of the flexible framing rods by sleeves (10) and clips (3), a fly (21) supported by a fly framing rod and removably connected to the first and second flexible framing rods near the apex of the inverted U-shape.

5. Claims 17-23 lack novelty under PCT Article 33(2) as being anticipated by Schweitzer (US Patent NO. 4,085,873).

Schweitzer teaches a storage bag having a front (10) and a back sheets (12) each having a perimeter having a shape of a substantially circular disk and being connected together by a spacer (16) therebetween, the front sheet having an opening and a flap (14) for opening or closing the opening by zip fasteners (18), at least one pocket (32) being formed on an inside surface of the back sheet (12) and a second pocket (28) on the first sheet (10) such that a portable structure is capably being coiled and stored inside of the pocket as claimed.

6. Claims 6 and 9 lack an inventive step under PCT Article 33(3) as being obvious over the Kramer et al. '727 or Lee '336, or Jennings '869 as applied in the immediately preceding paragraph and further in view of Nichols (US Patent No. 4,709,718). Kramer et al. and Lee disclose a portable structure comprising structural limitations as claimed except a fly. Nichols teaches a portable structure comprising a fly (12) being supported by a fly framing rod (14) and being removably connected to an axis portable structure near apex of a inverted u-shaped of two crossed flexible framing rods. Therefore, it would have been obvious to one rounineer to modify the portable structure of Kramer et al. or Lee with a fly being removably connected to the top of an exit portable structure as taught by Nichols for providing additional protection form raining.

----- NEW CITATIONS -----

Inventors: R. Justin Price

Walter L. Price

Attorney Docket Number: PHJM0681-006

to the middle of the third flexible framing rod and non-removably connected to the two ends of third flexible framing rod.

16. The fast-erecting portable structure of claim 15 further comprising a fourth flexible framing rod formed substantially into an inverted u-shape, the fourth flexible framing rod having two ends and a middle, and wherein the fourth flexible framing rod crosses the first flexible framing rod and the second flexible framing rod at a location offset from where the first flexible framing rod and the second flexible framing rod cross each other, and wherein the flexible skin is removably connected to the middle of the third flexible framing rod and non-removably connected to the two ends of third flexible framing rod.
17. A storage bag for storing a fast-erecting portable structure having flexible rods, the storage bag comprising,
- a front sheet having a front sheet perimeter, a front sheet inside face, a front sheet outside face, an opening flap, and an opening flap perimeter, wherein the distance between the opening flap perimeter and the front sheet perimeter is at least one inch,
- a back sheet having a back sheet perimeter, a back sheet inside face, a back sheet outside face, and a first pocket, wherein the first pocket is connected to the back sheet inside face near the back sheet perimeter and the front sheet perimeter is connected to the back sheet perimeter, wherein the first pocket is oriented to receive the ends of the flexible rods.
18. The storage bag of claim 17 further comprising a spacer having a first edge and a second edge, wherein the first edge of the spacer is connected to the front sheet perimeter and the second edge of the spacer is connected to the back sheet perimeter.

Inventors: R. Justin Price

Walter L. Price

Attorney Docket Number: PHJM0681-006

stuffing the flexible skin into the storage bag, and

Closing the storage bag.

26. A fast-erecting portable structure system comprising:

5 a flexible skin, a first flexible framing rod having two ends and a middle, a
second flexible framing rod having two ends and a middle,

10 wherein the flexible skin is slidably connected to the middle of the first
flexible framing rod, slidably connected to the middle of the second flexible
framing rod, non-removably connected to the two ends of the first flexible
framing rods, and non-removably connected to the two ends of second
flexible framing rod, and

15 wherein when the fast-erecting portable structure is released, the first flexible
framing rod forms substantially into an inverted u-shape, and the second
flexible framing rod forms substantially into an inverted u-shape, and
wherein the second flexible framing rod crosses the first flexible framing rod
near the apex of the inverted u-shape and the flexible skin, supported by the
first flexible framing rod and the second flexible framing rod, forms a dome
shape, and

20 a storage bag having an interior pocket, wherein the first flexible framing
rod, the second flexible framing rod and the flexible skin can be coiled and
stowed inside the storage bag.

27. A fast-erecting portable structure system comprising:

a flexible skin, a first flexible framing rod having two ends and a middle, a
second flexible framing rod having two ends and a middle, and a third
flexible framing rod having two ends and a middle,

Inventors: R. Justin Price

Walter L. Price

Attorney Docket Number: PHJM0681-006

wherein the flexible skin is slidably connected to the middle of the first flexible framing rod, slidably connected to the middle of the second flexible framing rod, removably connected to the middle of the third flexible framing rod, non-removably connected to the two ends of the first flexible framing rods, and non-removably connected to the two ends of second flexible framing rod, non-removably connected to the two ends of the third flexible framing rod, and

wherein when the fast-erecting portable structure is released, the first flexible framing rod forms substantially into an inverted u-shape, and the second flexible framing rod forms substantially into an inverted u-shape, the third flexible framing rod forms substantially into an inverted u-shape, and wherein the second flexible framing rod crosses the first flexible framing rod and the third flexible framing rod near the apex of the inverted u-shape and the flexible skin, supported by the first flexible framing rod, the second flexible framing rod and the third flexible framing rod, forms a dome shape,

a storage bag having an interior pocket, wherein the first flexible framing rod, the second flexible framing rod and the flexible skin can be coiled and stowed inside the storage bag.

28. A fast-erecting tent system comprising:

a storage device,

a fast-erecting tent stored by the storage device, the fast erecting tent comprising a first flexible framing rod, the first flexible framing rod having two ends and a middle, a second flexible framing rod, the second flexible framing rod having two ends and a middle, a flexible skin, the flexible skin slidably connected to the middle of the first flexible framing rod, slidably connected to the middle of the second flexible framing rod, non-removably

Inventors: R. Justin Price

Walter L. Price

Attorney Docket Number: PHJM0681-006

connected to the two ends of the first flexible framing rods, and non-removably connected to the two ends of second flexible framing rod,

wherein when the fast-erecting tent is released from the storage device, the fast-erecting tent springs into shape.

5

29. A fast-erecting portable structure comprising:

a first flexible framing rod formed substantially into an inverted u-shape, the first flexible framing rod having two ends and a middle,

10

a second flexible framing rod formed substantially into an inverted u-shape, the second flexible framing rod having two ends and a middle, and wherein the second flexible framing rod crosses the first flexible framing rod near the apex of the inverted u-shape,

15

a non-divisible flexible skin, the divisible flexible skin slidably connected to the middle of the first flexible framing rod, slidably connected to the middle of the second flexible framing rod, non-removably connected to the two ends of the first flexible framing rods, and non-removably connected to the two ends of second flexible framing rod,

20

and wherein the two ends of the first flexible framing rod and the two ends of the second flexible framing rod act as a base of the fast-erecting portable structure.

30. A fast-erecting portable structure comprising:

a first flexible framing rod formed substantially into an inverted u-shape, the first flexible framing rod having two ends and a middle, the first flexible framing rod being non-jointed,

Inventors: R. Justin Price

Walter L. Price

Attorney Docket Number: PHJM0681-006

5 a second flexible framing rod formed substantially into an inverted u-shape,
the second flexible framing rod having two ends and a middle, and wherein
the second flexible framing rod crosses the first flexible framing rod near the
apex of the inverted u-shape, the second flexible framing rod being non-
jointed,

10 a flexible skin, the flexible skin slidably connected to the middle of the first
flexible framing rod, slidably connected to the middle of the second flexible
framing rod, non-removably connected to the two ends of the first flexible
framing rods, and non-removably connected to the two ends of second
flexible framing rod,

and wherein the two ends of the first flexible framing rod and the two ends of
the second flexible framing rod act as a base of the fast-erecting portable
structure.